IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH AT HYDERABAD.

HON'BLE SRI JUSTICE C.V. RAMULU

Writ Petition No.6944 of 1999

Dated: 23rd August 2005

Between:

G.Sri Rama Koteswara Rao … Petitioner

And

The Joint Registrar/District Cooperative
Officer, Guntur and 3 others.
… Respondents

Oral Order:

1. Though this writ petition is filed seeking a mandamus with various prayers, the learned counsel for the petitioner limited it to the action of the respondents in reverting the petitioner to a post below the post to which he was substantially appointed.

2. It is not necessary to go into all the details of the case. According to the petitioner, he was appointed as a Secretary in the year 1973 in the fourth respondent Amarthalur Cooperative Rural Bank Limited,

Amarthalur, Guntur District and his services were confirmed in the year 1975 in the said cadre. However, thereafter, in view of some disciplinary proceedings launched against him, he was reverted to the post of Clerk. Since he was substantively appointed to the post of Secretary, the post of Clerk being inferior to that of the substantive post held by him, he could not have been reverted to the post of Clerk, therefore, the action of the respondents in doing so is arbitrary and illegal.

3. Though no counter is filed by the fourth respondent Society, Smt.Bobba Vijayalakshmi, learned counsel appearing for the Society has strenuously contended that at any point of time the petitioner was not appointed as a Secretary. In fact, the petitioner has manipulated the records and shown himself as Secretary of the Society. In this regard, the learned counsel for the petitioner relied upon the appointment order whereas Smt.Vijayalakshmi placed before this Court the original proceedings, which shows that the petitioner was appointed as a Clerk and not as a Secretary. Therefore, the contention of the learned counsel for the petitioner that the petitioner was appointed to the substantive post of Secretary and not as a Clerk seems to be far from truth.

4. The learned counsel for the respondents placed all the records, particularly the acquittance rolls relating to the period of initial appointment of the petitioner. For all the months, the acquittance rolls speak that the petitioner was put on a consolidated salary and not on any scale as applicable to the post of Secretary and he could not have been reverted to a lower post is without any substance. The petitioner also tried to impress upon this Court by producing a Xerox copy of the Service Book maintained by himself to show that he worked as a Secretary, but nowhere he was put on the pay scale applicable to the Secretary of the Society. In view of this, I am of the opinion that the petitioner has not made out any case to show that his substantive appointment was to the post of Secretary of the Society and not to the post of Clerk. The writ petition is devoid of merits and it is liable to be dismissed. It is accordingly dismissed. No order as to costs.

(C.V. Ramulu, J)

23rd August 2005

svs